

TO: The Honorable Board of Supervisors

FROM: B. Clayton Goodman, III, County Administrator  
L. Carol Edmonds, Assistant County Administrator

DATE: July 28, 2008

**SUBJECT: AGENDA REPORT**

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**I. CALL TO ORDER**

**II. INTO CLOSED MEETING**

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
  - 1. Prices Fork Elementary School Site
  - 2. Blacksburg Industrial Park Expansion

**III. OUT OF CLOSED MEETING**

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

**IV. CERTIFICATION OF CLOSED MEETING**

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

**V. INVOCATION**

**VI. PLEDGE OF ALLEGIANCE**

**VII. DELEGATION**

**A. SUBJECT: ROAD IMPROVEMENTS TO  
FLANAGAN DRIVE -**

**SHAH DEVELOPMENT, INC. – ROAD IMPROVEMENTS -FLANAGAN  
DRIVE –**

Tom Rutledge Agent for SHAH Development, Inc. will present a proposal for road improvements on the remaining .3 mi; of Flanagan Drive, at no cost to the County.

## VIII. PUBLIC HEARINGS

### A. SUBJECT: BOARD OF SUPERVISORS

**The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on July 9, 2008 and July 16, 2008:**

1. Special Use Permit – Dale W. Alderman  
**A request by Dale W. Alderman for a special use permit on 3.807 acres in a Agriculture (A-1) zoning district to allow a contractor's storage yard.** The property is located at 2980 Pilot Road, identified as Tax Parcel No(s). 108-A-25A (Acct # 000474) in the Shawsville Magisterial District (District C). The property currently lies in an area designated as Rural in the Comprehensive Plan with an allowable density of 0.75 units per acre. See TAB A.

This request was continued from the Board's June 23, 2008 meeting in order for the Planning Commission to review this request further.

**The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on June 25, July 2, 2008 and July 9, 2008:**

2. Special Use Permit- Phillips Family Trust  
**A request by Phillips Family Trust, (Agent: Debbie Balser, NTELOS) for a special use permit on approximately 53.893 acre tract(s) in an Agriculture (A-1) zoning district to allow a 100' telecommunication tower.** The property is located east of Riner Road (Rt. 8), accessed by a private driveway located 200 feet south of 3148 Riner Road, and is identified as Tax Parcel No(s). 106- 4 10B,10A,1\* (Acct No. 014354), in the Riner Magisterial District (District D). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan. TAB B.

## IX. PUBLIC ADDRESS

## X. ADDENDUM

## XI. CONSENT AGENDA

## **XII. OLD BUSINESS**

### **A. SUBJECT: ORDINANCE -VACATION OF A PORTION OF PEBBLE BEACH DRIVE**

#### **ORD-FY-09- AN ORDINANCE VACATING A PORTION OF PEBBLE BEACH DRIVE LOCATED IN SECTION II OF THE BLACKSBURG COUNTRY CLUB ESTATES SUBDIVISION RECORDED IN PLAT BOOK 16 AT PAGE 1 IN THE MONTGOMERY COUNTY CIRCUIT COURT CLERK'S OFFICE**

WHEREAS, Ellett Valley Development Company, L.L.C. and William B. Matthews have requested that the Montgomery County Board of Supervisors vacate a portion of the unimproved portion of the right of way identified as Pebble Beach Drive that adjoins Lots 405 and Lot A Tax Parcel 55-(10)-A in Section II of the Blacksburg Country Club Estates Subdivision that is recorded in Plat Book 16 at page 1 in the Montgomery County Circuit Court Clerk's Office, and add a new portion of Pebble Beach Drive to Lot 405 and Lot 406 as shown on the Plat entitled "Plat Showing Boundary Line Adjustment Over Tax Parcel No.s 55-(10)-A, 401, 405 & 406 Prepared For Ellett Valley Development Company, L.L.C., Mt. Tabor Magisterial District, Montgomery County, Virginia" (the "Plat"); and

WHEREAS, Section 15.2-2272 of the Code of Virginia, as amended, provides that the Board of Supervisors may vacate a portion of Pebble Beach Drive located in Section II of Blacksburg Country Club Estates by Ordinance; and

WHEREAS, The Board of Supervisors supports vacating a portion of Pebble Beach Drive subject to the new cul-de-sac for Pebble Beach Drive being dedicated by Ellett Valley Development Company, L.L.C. and William B. Matthews on a portion of Lot 405 and 406 as shown on the Plat; and

WHEREAS, A duly advertised public hearing on this Ordinance was held by the Board of Supervisors on July 28, 2008.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia, that in accordance with Section 15.2-2272 of the Code of Virginia, as amended, the Board of Supervisors hereby authorizes the vacation of a portion of Pebble Beach Drive adjoining Lot 406 and Lot A located in Section II of the Blacksburg Country Club Estates Subdivision recorded in Plat Book 16 at page 1 in the Montgomery County Circuit Court Clerk's office with the vacated right of way being conveyed to each of the adjoining owners of Lot 406 and Lot A Tax Parcel 55-(10)-A respectively as shown on the Plat to be

recorded entitled "Plat Showing Boundary Line Adjustment Over Tax Parcel No.'s 55-(10)-A, 401, 405 & 406 Prepared For Ellett Valley Development Company, L.L.C., Mt. Tabor Magisterial District Montgomery County, Virginia".

BE IT FURTHER ORDAINED, That the Chairman of the Board of Supervisors is hereby authorized to sign the respective plat(s) for recordation.

This ordinance shall take effect upon adoption.

ISSUE/PURPOSE: Ordinance authorizing the vacation of a portion of Pebble Beach Drive.

**B. SUBJECT: REMOVE FROM THE TABLE  
REESE FAMILY LIMITED PARTNERSHIP  
REZONING REQUEST**

**R-FY-08-  
REMOVE FROM THE TABLE  
REESE FAMILY PARTNERSHIP  
REZONING REQUEST**

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Reese Family Partnership (Agent: Lynn Reese) rezoning request of approximately 227.65 acres located on the west side of Bradshaw Road (SR 629), north of New Ridge Road (SR 1052) and identified as Tax Parcel Nos. 45-A-80 (Acct # 025398), 45-3-5A (Acct # 034187) and 32-A-55 (Acct # 001477) in the Mount Tabor Magisterial District from Agriculture (A-1) to Rural Residential (R-R) is hereby removed from the table.

ISSUE/PURPOSE: Remove from the table.

JUSTIFICATION: At their May 12, 2008 meeting, the Board of Supervisors unanimously tabled this item in order for a water study to be performed to determine if new wells would impact the existing wells.

Since the vote was unanimous, any Board member may make the motion to remove from the table.

At the Board's July 14, 2008 meeting, ATS International, Inc. presented a Hydrogeologic Study for the proposed development.

**C. SUBJECT: REZONING – REESE FAMILY LIMITED PARTNERSHIP**

**ORD-FY-09-  
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION  
OF APPROXIMATELY 227.65 ACRES  
IN THE MOUNT TABOR MAGISTERIAL DISTRICT  
LOCATED ON THE WEST SIDE OF BRADSHAW ROAD (SR 629),  
NORTH OF NEW RIDGE ROAD (SR 1052) IDENTIFIED  
AS TAX MAP PARCEL NOS. 45-A-80 (ACCT # 025398),  
45-3-5A (ACCT # 034187) AND 32-A-55 (ACCT # 001477)  
FROM AGRICULTURE (A-1) TO RURAL RESIDENTIAL (R-R)  
REESE FAMILY LIMITED PARTNERSHIP**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirements for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tract or parcel of land consisting of 227.65 acres of land is hereby amended and rezoned from the zoning classification of Agriculture (A-1) to Rural Residential (R-R) with the following proffered conditions:

1. The total number of dwelling units shall not exceed 67, with a minimum lot size of 1.5 acres.
2. A network of walking trails will be developed on the property. The exact layout of the trails will be finalized with Montgomery County input as the lot layout is finalized. The trails will be constructed concurrent with the phases of the development and will be completed before building permits are issued on ½ of the lots in applicable phase. Trail surfaces will be 4' wide mulch, constructed by the developer, and maintained by the Homeowners Association.
3. No clearing will be allowed except for a 75' zone around the house, and as required to install drainfields.
4. Homeowners shall be responsible for maintenance of alternative septic systems.

This action was commenced upon the application of Reese Family Partnership (Agent: Lynn Reese).

The property is located on the west side of Bradshaw Road (SR 629), north of New Ridge Road (SR 1052) and is identified as Tax Parcel Nos. 45-A-80 (Acct # 025398), 45-3-5A (Acct # 034187) and 32-A-55 (Acct # 001477) in the Mount Tabor Magisterial District (District C). The property currently lies in an area designated as Rural in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

**JUSTIFICATION:**

At a Regular meeting on April 23, 2008 the Planning Commission, on a vote of 5 to 2 (Haynes and Lau opposing; Cochran and Moore absent), found the rezoning request compatible with the Comprehensive Plan, and recommended approval to the Board of Supervisors. See TAB G for Planning Commission recommendation memo of April 24, 2008.

**XIII. NEW BUSINESS**

**A. SUBJECT:**

**FY 2008-2009 CLASSIFICATION AND PAY PLAN**

**R-FY-09-**

**FY 2008-2009 CLASSIFICATION AND PAY PLAN**

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves and authorizes the FY2008-09 Classification and Pay Plan and attached to this resolution as Exhibit "A".

**ISSUE/PURPOSE:**

To approve the implementation of the County's FY2008-09 Classification and Pay Plan.

**JUSTIFICATION:**

The Classification and Pay Plan assigns individuals to pay grades by position and guides effective decision-making throughout the year regarding the filling of vacancies and personnel budgeting and management. See TAB H for a copy of Exhibit "A".

**B. SUBJECT:**

**FY 2008-09 REVENUE SHARING FUNDS**

**R-FY-09-  
FY 2008-09 REVENUE SHARING FUNDS**

WHEREAS, The Montgomery County Board of Supervisors desires to submit an application for an allocation of funds of up to \$500,000 through the Virginia Department of Transportation Fiscal Year 2008-09 Revenue Sharing Program; and

WHEREAS, \$500,000 of these funds are requested to fund:

-Alleghany Springs Bridge (SR 637) at Willis Hollow Road	\$355,000
-Craig Creek Road (SR 621) additional 1.0 mile safety improvement spot widening	\$200,000
-Stanley Road (SR 667) spot widening and surface treating existing roadway	\$275,000
-Woodrow Road (SR 644) surface treating existing roadway	\$ 25,000
-Yellow Sulphur Road (SR 643) spot improvements	<u>\$150,000</u>
Total:	\$1,005,000

NOW, THEREFORE, BE IT RESOLVED, The Montgomery County Board of Supervisors hereby supports this application for an allocation of \$500,000 through the Virginia Department of Transportation Revenue Sharing Program.

ISSUE/PURPOSE: Authorization to apply for FY 2008-09 Revenue Sharing funds.

JUSTIFICATION: The Residency Administrator explained that the 1<sup>st</sup> priority tier for FY 2009 will include projects for which the locality is committing more funds than the requested match of Revenue Sharing Program funds. He suggested that the Board of Supervisors consider earmarking an additional \$5,000 to their local match in order to comply with Tier 1 of VDOT's requirements for FY 2009 Revenue Sharing funds.

The deadline to apply for FY09 Revenue Sharing funds is **August 1, 2008**.

**C. SUBJECT: MONTGOMERY-FLOYD REGIONAL  
LIBRARY – AMEND BY-LAWS AND  
EXPIRATION TERMS OF LIBRARY BOARD  
MEMBERS**

**R-FY-09-  
MONTGOMERY-FLOYD REGIONAL  
LIBRARY-AMEND BYLAWS AND EXPIRATION TERMS  
OF LIBRARY BOARD MEMBERS**

WHEREAS, The Montgomery-Floyd Regional Library Board was established pursuant to Title 42.1, Chapter 2, Sec. 42.1-33 through 42.1-42 and the contract between Montgomery and Floyd Counties dated August 11, 1975; and

WHEREAS, The Montgomery-Floyd Regional Library Board consists of nine members – seven from Montgomery County and two from Floyd County, with each member appointed for a term of four years; and

WHEREAS, The Montgomery-Floyd Regional Library Board amended their bylaws on May 21, 2008 to specify that all terms will expire on June 30; and

WHEREAS, By resolution dated August 14, 2006 the Board of Supervisors appointed Karen N. Frederick to the Montgomery-Floyd Regional Library Board effective August 15, 2006 and expiring August 14, 2010; and

WHEREAS, By resolution dated July 25, 2005 the Board of Supervisors reappointed David L. Collins to the Montgomery-Floyd Regional Library Board effective July 26, 2005 and expiring July 25, 2009; and

WHEREAS, The Montgomery-Floyd Regional Library Board has requested, and Library Board members Karen Frederick and David Collins fully support, amending their term expirations to expire on June 30<sup>th</sup> in order that all terms expire on June 30<sup>th</sup> as now stated in the new Library Board bylaws.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby concurs with the above listed revisions to the bylaws of the Montgomery-Floyd Regional Library Board.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby amends the term of Karen N. Frederick's appointment to the Montgomery-Floyd Regional Library Board to now expire on June 30, 2010; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby amends the term of David L. Collins' appointment to the Montgomery-Floyd Regional Library Board to now expire on June 30, 2009.

ISSUE/PURPOSE: Approve the Montgomery-Floyd Regional Library Board's (MFRLB) amended bylaws to specify that all appointments expire on June 30<sup>th</sup>, and amend the term expirations of two members of the Montgomery-Floyd Regional Library Board to expire on June 30<sup>th</sup>.

JUSTIFICATION: On May 21, 2008 the MFRLB amended their bylaws to specify that all terms expire on June 30<sup>th</sup>, and asked that the BoS amend the expiration dates of two members of the MFRLB in order to be in compliance with the amended bylaws.

Karen L. Frederick's term is effective August 15, 2006 and expires on August 14, 2010. The MFRLB has requested that her term be amended to expire on June 30, 2010. David L. Collins' term is effective July 26, 2005 and expires on July 25, 2009. The MFRLB has requested that his term be amended to expire on June 30, 2009.

See TAB I for a copy of the Montgomery-Floyd Regional Library Board's bylaws as amended on May 21, 2008.

**D. SUBJECT: LIVESTOCK CLAIM – JAMES DUNCAN**

**R-FY-09-  
LIVESTOCK CLAIM  
JAMES DUNCAN**

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that James Duncan is hereby compensated \$400.00 for the loss of one pregnant female goat on July 3, 2008 and compensated \$400.00 for the loss of one male goat (ram) on July 14, 2008 for at total of \$800.00.

ISSUE/PURPOSE: To be compensated for the loss of livestock.

**JUSTIFICATION:**

On July 3 and July 14 respectively, Animal Control investigated a complaint by James Duncan regarding an animal attack and found one pregnant female goat and one male goat killed. On July 15, 2008, James Duncan filed a livestock claim requesting reimbursement of \$400.00 for the loss on one pregnant female goat and \$400.00 for the loss of one male goat.

The County's ordinance requires that livestock claims be filed within 60 days of the discovery of the livestock killed and sets a maximum compensation of \$400.00 per animal. TAB **J** includes a staff report.

**E. SUBJECT:**

**PUBLIC SAFETY EMPLOYER – EMPLOYEE  
COOPERATION ACT OF 2007  
(COLLECTIVE BARGAINING)**

**R-FY-09-**

**PUBLIC SAFETY EMPLOYER-EMPLOYEE  
COOPERATION ACT OF 2007 (COLLECTIVE BARGAINING)**

WHEREAS, The U.S. House of Representatives has passed, and the U.S. Senate has introduced the Public Safety Employer-Employee Cooperation Act of 2007, legislation mandating that state and local governments enter into collective bargaining agreements with their public safety employees; and

WHEREAS, This legislation provides minimum collective bargaining standards for state and local police, firefighters and emergency medical technicians; and

WHEREAS, The Federal Labor Relations Authority would develop the regulations requiring state and local governments to allow public safety employees to form and join unions and bargain over salaries, terms and conditions of employment; and

WHEREAS, All states would be subject to regulation of collective bargaining agreements by the FLRA if they fail to meet the federal standards; and

WHEREAS, This legislation would force state and localities to adopt federal collective bargaining standards, disregard existing state laws and ordinances that were developed to create an effective and efficient public sector workforce, and place the needs of a select group of workers – public safety

officers – in front of the larger needs of the community or other public sector employees; and

WHEREAS, The Public Safety Employer-Employee Cooperation Act of 2007 would severely damage the historic relationships that exist between state and local elected officials, their employees, and the constituents they represent; and

WHEREAS, State and local officials provide workers with excellent salaries, benefits and working conditions that are responsive to the fiscal needs and limitations of state and local governments and reflect the priorities of the communities that elected officials represent; and

WHEREAS, This legislation would undermine state and local autonomy with respect to making fundamental employment decisions by mandating specific working conditions, including collective bargaining; and

WHEREAS, This legislation could have serious fiscal and administrative implications for counties because no funding for state or local implementation is provided.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby opposes the Public Safety Employer-Employee Cooperation Act of 2007 and maintains that such decisions should be made by states and localities based upon local conditions and circumstances, without federal interference.

BE IT FURTHER RESOLVED, The Board of Supervisors respectfully request Senator John Warner and Senator Jim Webb to oppose passage of the Public Safety Employer-Employee Act of 2007.

ISSUE/PURPOSE: Request Senators John Warner and Jim Webb to oppose the Public Safety Employer-Employee Cooperation Act of 2007.

JUSTIFICATION: The House of Representatives has overwhelmingly passed, and the Senate has introduced the Public Safety Employer-Employee Cooperation Act of 2007 (H.R. 980/S.2123), and it was referred to the Committee on Health, Education, Labor, and Pensions. This legislation mandates that state and local governments enter into collective bargaining agreements with their public safety employees. NACo opposes this legislation as an unfunded mandate. Other organizations opposed to the legislation are the National League of Cities,

the National Sheriffs' Association, and the International Association of Chiefs of Police. The proposed resolution was reviewed by the Sheriff and his response is provided in an e-mail and included in TAB **K**. TAB **K** also includes a Fact Sheet from the National Association of Counties (NACo), and a copy of the proposed legislation.

**XIV. COUNTY ATTORNEY'S REPORT**

**XV. COUNTY ADMINISTRATOR'S REPORT**

**XVI. BOARD MEMBERS' REPORT**

1. Supervisor Biggs
2. Supervisor Politis
3. Supervisor Muffo
4. Supervisor Creed
5. Supervisor Marrs
6. Supervisor Brown
7. Supervisor Perkins

**XVII. OTHER BUSINESS**

## **XVIII. ADJOURNMENT**

### **FUTURE MEETINGS**

Regular Meeting  
Monday, August 11, 2008  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda

Adjourned Meeting  
Monday, August 25, 2008  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda

Regular Meeting  
Monday, September 8, 2008  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda